

AMENDMENTS TO THE DRAWINGS

Please amend the drawings as described below. The "ANNOTATED Sheet" shows the changes in red ink. The associated "REPLACEMENT Sheet" corresponds to the description of the amendments appearing below.

In FIG 3, the arcs denoting boundaries of the Burst Cutting Area have been extended to depict concentric circles. The label "Burst Cutting Area" and its associated dimensional arrows have been replaced by the label "BCA" and a lead line. The plural radial line segments arranged as an annulus in the Burst Cutting Area have been deleted (for the purposes of enhancing visual simplicity). The label "BCA-Code" and its corresponding lead arrow have been deleted.

Three concentric circles have been added outside the original outermost circle. One concentric circle has been added inside of the original outermost circle. The original outermost circle has been deleted. Moving in a radially outward direction and treating the innermost concentric circle as the first circle, an underlined label containing the phrase "Data Area" has been added to the area between the fourth and fifth concentric circles. A lead-line has been extended from an area located between the fifth and sixth concentric circles to a new label containing the phrase "Lead-Out Area". A lead line has been extended from an area (shaded) between the third and fourth concentric circles to a new label containing the phrase "Lead-In Area."

Attachments: ANNOTATED Sheet

REPLACEMENT Sheet

REMARKS

Claims 1-5, 7-10, 12-25 and 35-49 are pending. Of these, claims 1, 18 and 38 are written in independent format.

By this Reply, claims 6 and 11 have been cancelled without intent of prejudice to or disclaimer of the subject matter contained therein. Previously, claims 26-34 were cancelled.

§ 102 REJECTION – WATANABE '294 PGPUB

Beginning on page 2 of the Office Action, claims 1, 2, 4, 6, 8, 10-11, 13, 18-20, 24-25, 36-38, 40-41 and 46-49 stand rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Pre-Grant Publication No. 2004/0156294 to Watanabe et al. ("the Watanabe '294 PGPub"). This rejection is traversed.

The Watanabe '294 PGPub is directed to DVD-type discs. According to Paragraph No. ("PGH") 168 of the Watanabe '294 PGPub, control information not required to be rewritten or added (such as the number of layers, capacity, track pitch, types of ROM/RAM) may be recorded in a lead-in area of the first layer or in a black barcode (BBC) on a disc surface. As an alternative, PGH 168 teaches that such information may be recorded in a burst cutting area (BCA).

A distinction over the Watanabe '294 PGPub of claim 1 (for example) is a lead-in area including disc information required for recording or reproducing data on or from the recording medium, the disc information also being redundantly included in at least one of the plurality of data units included within a burst cutting area. Assuming for the sake of discussion that the control information taught by the Watanabe '294 PGPub corresponds to the claimed disc information, such control information is recorded only in the lead-in area or only in the burst cutting area, but is not redundantly recorded in both areas.

Independent claims 18 and 38 recite features similar to the distinction of claim 1 discussed above, respectively, and thus at similarly distinguish over the Watanabe '294 PGPub. Claims 2, 4, 8, 10, 13, 19-20, 24-25, 36-37, 40-41 and 46-49 depend at least indirectly from claims 1, 18 and 38, respectively, and thus at least similarly distinguish over the Watanabe '294 PGPub. Again, claims 6 and 11 have been cancelled by this Amendment, thus rendering their rejection moot.

As explained above, the Watanabe '294 PGPub fails to disclose every element of each rejected claim. Hence, the Watanabe '294 PGPub cannot be regarded as an anticipatory reference under §102. Accordingly, the rejection is improper and its withdrawal is requested.

§ 103 REJECTION – UEDA '545 PGPUB + VINING '526 PATENT

Beginning on page 4 of the Office Action, claims 1, 6, 15-18, 20-22, 25, 36-39, 43 and 47-49 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Pre-Grant Publication No. 2001/0007545 to Ueda et al. ("the Ueda '545 PGPub") in view of U.S. Patent No. 6,377,526 to Vining et al. ("the Vining '526 patent"). This rejection is traversed.

Previously, Applicant explained that a distinction over the Ueda '545 PGPub of the burst cutting area of the recording medium of claim 1 (for example) was that the burst cutting area includes at least medium type information that identifies a type of recording layer included in a recording medium; see pages 11-12 of the Amendment filed December 4, 2006. The Examiner reacted to this by revising the rejection based upon the Ueda '545 PGPub so as to be made under §103 rather than §102. In doing, the Examiner combined the Ueda '545 PGPub with the Vining '526 patent. Assuming for the sake of discussion that the combination of the Ueda '545 PGPub as modified according to the Vining '526 patent was reasonable, the combination still falls short of disclosing all claimed features.

A distinction over the combination of the Ueda '545 PGPub and the Vining '526 patent is a lead-in area including disc information required for recording or reproducing data on or from the recording medium, the disc information also being redundantly included in at least one of a plurality of data units included in a burst cutting area of the recording medium. Such redundant recording of disc information is taught neither by the Ueda '545 PGPub nor by the Vining '526 patent.

Independent claims 18 and 38 recite features similar to the distinction of claim 1 discussed above, respectively, and thus at least similarly distinguish between a combination of the Ueda '545 PGPub and the Vining '526 patent. Claims 15-17, 20, 22, 25, 36-37, 39, 43 and 47-49 depend at least indirectly on independent claims 1, 18 and 38, respectively, and thus at least similarly distinguish over the Ueda '545 PGPub. Again, by this Amendment, claim 6 has been cancelled making its rejection moot.

As explained above, the combination of the Ueda '545 PGPub and the Vining '526 patent fails to disclose all of the claimed elements. Accordingly, the combination cannot be considered a proper basis for a rejection under §103(a). Accordingly, the rejection is improper and its withdrawal is requested.

§ 103 REJECTION – UEDA '545 PGPUB + VINING '526 PATENT + TERTIARY REFERENCES

On pages 6-11 of the Office Action, claims 2-5, 7-14, 19, 21, 23-24, 35, 40-42 and 44-46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Base Combination of the Ueda '545 PGPub in view of the Vining '526 as modified further according to various tertiary references, respectively. The specific §103(a) rejections are itemized below:

- Beginning on page 6 of the Office Action, claims 2, 13-14, 23 and 44 stand rejected over the Base Combination in further view of U.S. Patent No. 5,124,962 to Haneji;
- Beginning on page 7 of the Office Action, claims 3-4 stand rejected over the Base Combination in further view of U.S. Patent No. 4,972,399 to Miyasaka;
- On page 8 of the Office Action, claims 5 and 21 stand rejected over the Base Combination in further view of U.S. Patent No. 6,208,603 to Ishida et al. ("the Ishida '603 patent");
- Beginning on page 8 of the Office Action, claim 7 stands rejected over the Base Combination in further view of U.S. Patent No. 5,341,356 to Dieleman et al.;
- Beginning on page 9 of the Office Action, claims 8-12, 19, 24, 35, 40, 41 and 45-46 stand rejected over the Base Combination in further view of Admitted Related Art ("ARA");¹ and
- On page 11 of the Office Action, claim 42 stands rejected over the Base Combination in further view of the Admitted Related Art ("ARA")² and in yet further view of the Ishida '603 patent.

These rejections are traversed.

Claims 2-5, 7-14, 19, 21, 23-24, 35, 40-42 and 44-46 depend at least indirectly from independent claims 1, 18 and 38, respectively, and thus at least similarly distinguish over the Base Combination. None of the tertiary references have been cited as (nor are they) a teaching of the respective distinctions of independent claims 1, 18 and 38. Hence, by their dependency,

¹ Applicant infers that the Examiner is referring to art that is described in the section of the present specification entitled "Description of the Related Art" when the Examiner refers to the AAPA. Applicant will refer to the art described in this section as "Admitted Related Art" (ARA). The Examiner has characterized the ARA as "Admitted Prior Art." Applicant does not necessarily agree to this characterization but will assume for the sake of discussion that the ARA is available for use in a rejection.

² Id.

claims 2-5, 7-14, 19, 21, 23-24, 35, 40-42 and 44-46 at least similarly distinguish over the various combinations of the Base Combination and the various tertiary references, respectively. Accordingly, the several §103(a) rejections are improper and their withdrawal is requested.

§ 103 REJECTION – WATANABE '294 PGPUB + SECONDARY REFERENCES

On pages 11-12 of the Office Action, claims 3, 5, 7, 9, 12, 14-17, 21-23, 35, 39 and 42-45 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Watanabe '294 PGPub as modified further according to various secondary references, respectively. The specific §103(a) rejections are itemized below:

- On page 11 of the Office Action, claims 15-17, 22, 39 and 43 stand rejected over the Watanabe '294 PGPub in view of the Vining '526 patent;
- On page 11 of the Office Action, claims 14, 23 and 44 stand rejected over the Watanabe '294 PGPub in view of the Haneji '962 patent;
- On page 11 of the Office Action, claim 3 stands rejected over the Watanabe '294 PGPub in view of the Miyasaka '399 patent;
- On page 11 of the Office Action, claims 5 and 21 stand rejected over the Watanabe '294 PGPub in view of the Ishida '603 patent;
- On page 11 of the Office Action, claim 7 stands rejected over the Watanabe '294 PGPub in view of the Dieleman '356 patent;
- On page 12 of the Office Action, claims 9, 12, 35 and 45 stand rejected over the Watanabe '294 PGPub in view of the ARA;³ and
- On page 12 of the Office Action, claim 42 stands rejected over the Watanabe '294 PGPub in view of the ARA⁴ and in further view of the Ishida '603 patent.

³ Id.

⁴ Id.

These rejections are traversed.

Claims 3, 5, 7, 9, 12, 14-17, 21-23, 35, 39 and 42-45 depend at least indirectly from independent claims 1, 18 and 38, respectively, and thus at least similarly distinguish over the Base Combination. None of the secondary references have been cited as (nor are they) a teaching of the respective distinctions of independent claims 1, 18 and 38. Hence, by their dependency, claims 3, 5, 7, 9, 12, 14-17, 21-23, 35, 39 and 42-45 at least similarly distinguish over the various combinations of the Watanabe '294 PGPub and the various secondary references, respectively. Accordingly, the several §103(a) rejections are improper and their withdrawal is requested.

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CONCLUSION

The issues raised in the Office Action are considered to be resolved. Accordingly, Applicant again requests a Notice of Allowance.

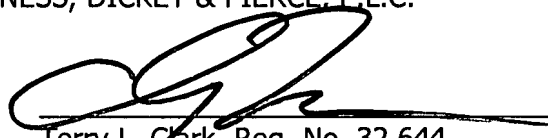
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge any underpayment or non-payment of any fees required under 37 C.F.R. §§ 1.16 or 1.17, or credit any overpayment of such fees, to Deposit Account No. 08-0750, including, in particular, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

By:

A handwritten signature in black ink, appearing to be "Terry L. Clark", written over a horizontal line.

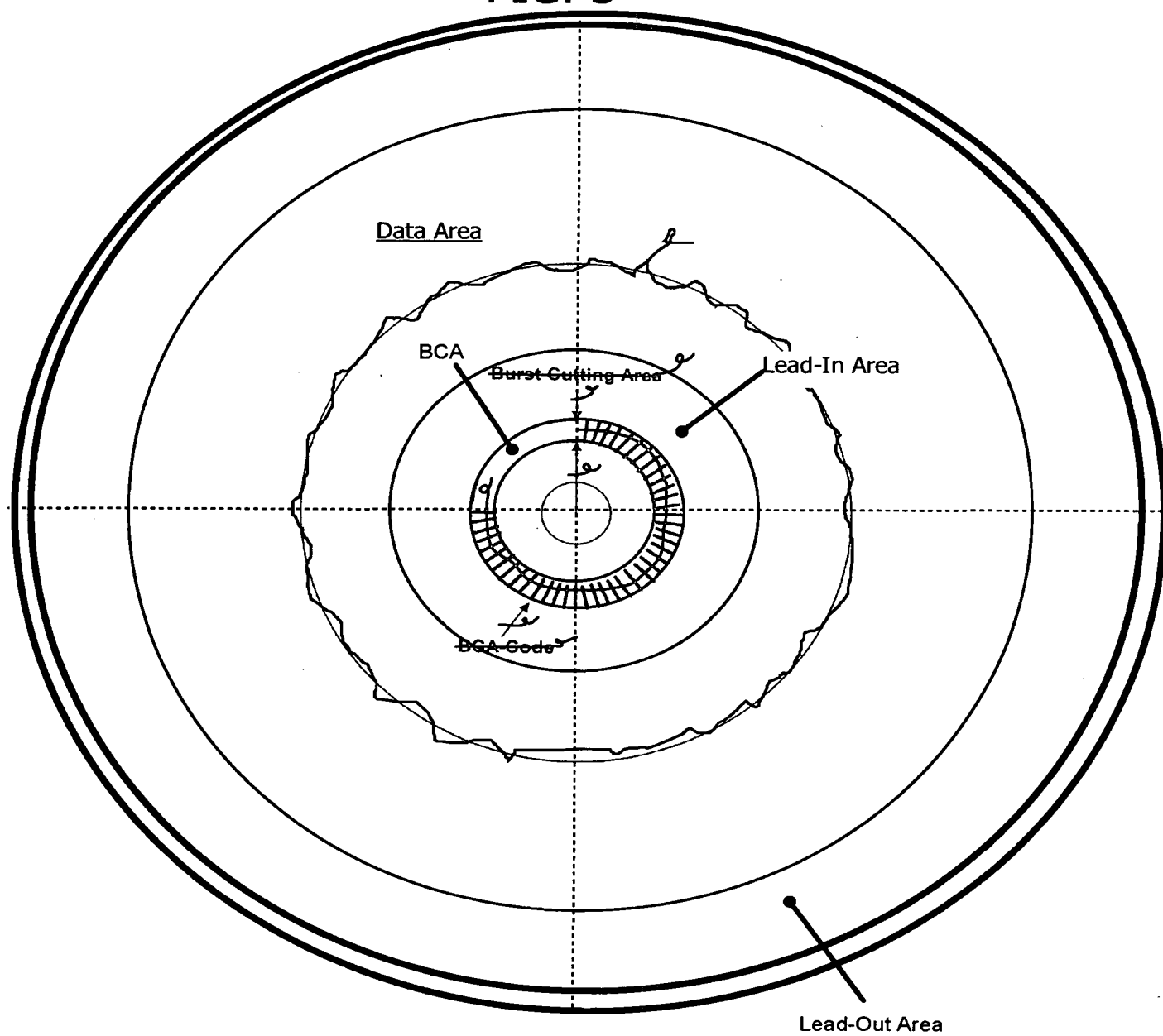
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S/N 10/645,566
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FIG. 3



S/N 10/645,566
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